

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHARLES A. PEARSON, #182691,

Plaintiff,

V.

ELLEN BROOKS, et al.,

Defendants.

CASE NO. 2:06-CV-828-MEF

ORDER

Upon consideration of the motion to amend filed by the plaintiff on September 26, 2006 (Court Doc. No. 6), in which the plaintiff asserts additional claims for relief against K. L. Byrd and C. G. Gruhn, and for good cause, it is

ORDERED that:

1. The motion to amend be and is hereby GRANTED.
2. Defendants Byrd and Gruhn undertake a review of the subject matter of the complaint, as amended, (a) to ascertain the facts and circumstances; (b) to consider whether any action should be taken to resolve the subject matter of the complaint; and (c) to determine whether other similar complaints should be considered together.
3. Defendants Byrd and Gruhn shall file a written report containing the sworn statements of all persons having knowledge of the subject matter of the complaint, as amended. This report shall be filed with the court and a copy served upon the plaintiff

within forty (40) days of the date of this order. Authorization is hereby granted to interview all witnesses, including the plaintiff. Whenever relevant, copies of medical and/or psychiatric records shall be attached to the written report. Where the plaintiff's claims or the defendants' defenses relate to or involve the application of administrative rules, regulations or guidelines, the written report shall include copies of all such applicable administrative rules, regulations or guidelines.

4. An answer to the complaint, as amended, shall be filed by defendants Byrd and Gruhn within forty (40) days from the date of this order.

5. Defendants Byrd and Gruhn be GRANTED an extension to and including forty (40) days from the date of this order to file a written report and answer in compliance with the order entered on September 20, 2006.

6. No motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the complaint, as amended, be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.

The plaintiff is CAUTIONED that this court will not continue to grant him leave to amend without a showing of exceptional circumstances. Additionally, any claims for relief which arise subsequent to entry of this order should be presented to

the court in a separate 42 U.S.C. § 1983 action.

The CLERK is hereby DIRECTED to furnish a copy of this order to the plaintiff and a copy of this order and amendment to the complaint to K. L. Byrd and C. G. Gruhn.

DONE, this 26th day of September, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE